

### **REMARKS**

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Official Action dated December 15, 2005. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

#### **Status of the Claims**

Claims 1-6 are under consideration in this application. Claims 1-4 are being amended, as set forth in the above marked-up presentation of the claim amendments, in order to more particularly define and distinctly claim Applicant's invention. New claims 5-6 are being added to recite other embodiments described in the specification, especially page 12, 1<sup>st</sup> paragraph.

All the amendments to the claims are supported by the specification. Applicant hereby submits that no new matter is being introduced into the application through the submission of this response.

#### **Formality Rejection**

Claim 4 was rejected under 35 U.S.C. §112, second paragraph, for being indefinite. The Examiner noted that the claim was unclear as to whether it is a product claim or a method claim. As indicated, the claims are being amended as required by the Examiner. Accordingly, the withdrawal of the outstanding informality rejection is in order, and is therefore respectfully solicited.

#### **Prior Art Rejections**

Claims 1, 2 and 4 were rejected under 35 U.S.C. §102(b) as being anticipated by US Patent No. 5,584,413 to Jung (hereinafter "Jung"), and claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Jung in view of the French Patent No. 2607109 A1 to Castanet (hereinafter "Castanet"). These rejections have been carefully considered, but are most respectfully traversed.

The container of the invention (for example, the embodiment depicted in Figs. 1-2 & 5-6), as now recited in claim 1, that is capable of keeping a lengthwise contracted state has a container body 1 which comprises: a top tap 3; a small width in a height direction at a bottom

B; and a horizontal bellows 2 formed on the whole or part in a longitudinal direction of the container body 1, except the top tap 3, and the width in the height direction. When the bellows 2 of said container 1 is pressed longitudinally from both sides thereof toward a center, said bellows 2 is collapsed to overlap, and a connection between the top tap 3 and the container body 1 is bent to provide a bent and place the top tap 3 in the overlapping bellows 2. The width in the height direction at the bottom B of the container body 1 is placed in the bent, and the overlapping bellows 2, and this state is maintained. The bellows includes (1) a upper group of folds 5, 6, 7 increasing gradually in diameter ( $d_3 > d_2 > d_1$ ; p. 11, 3<sup>rd</sup> & 4<sup>th</sup> paragraphs) connecting with each other (each upper-group fold 5-7 having an upper side thereof connected with a lower side thereof with an outside periphery therebetween), and (2) a lower group of folds 8, etc, maintaining an identical diameter d and connecting with each other (each lower-group fold having an upper side thereof connected with a lower side thereof with an outside periphery therebetween). A first lower-group fold 8 has an upper side thereof connected with a lower side of a last upper-group fold 7. The identical diameter d of the lower-group folds is longer than the diameters of the upper-group folds ( $d > d_3 > d_2 > d_1$ ), and said folds are so formed that forces along the longitudinal direction applied to the top tap 3 and the bottom B reach a balance such that outside peripheries of the upper-group folds 5-7 are raised upward and the outside peripheries of the lower-group folds 8+ are collapsed downward (Figs. 6, 11, etc).

The invention recited in claim 3 (for example, the embodiment depicted in Figs. 8-10) is directed to the container of claim 1 and further comprising a flat portion.

Claims 2 and 4 are directed to the method for collapsing the container recited in claims 1 and 3, respectively.

Applicant respectfully contends that the cited references do not teach or suggest such a “bellows includes (1) a upper group of folds 5, 6, 7 increasing gradually in diameter ( $d_3 > d_2 > d_1$ ; p. 11, 3<sup>rd</sup> & 4<sup>th</sup> paragraphs) connecting with each other, each upper-group fold 5-7 having an upper side thereof connected with a lower side thereof with an outside periphery therebetween, and (2) a lower group of folds 8, etc, maintaining an identical diameter d and connecting with each other, each lower-group fold having an upper side thereof connected with a lower side thereof with an outside periphery therebetween, a first lower-group fold 8 having an upper side thereof connected with a lower side of a last upper-group fold 7, the identical diameter d of the lower-group folds being longer than the diameters of the upper-group folds ( $d > d_3 > d_2 > d_1$ ), and said folds are so formed that forces along the longitudinal

direction applied to the top tap 3 and the bottom B reach a balance such that outside peripheries of the upper-group folds 5-7 are raised upward and the outside peripheries of the lower-group folds 8+ are collapsed downward” as in the invention.

Applicant contends that Jung, Castanet, and their combination all fail to teach or suggest each and every feature of the present invention as recited in the independent claims 1-4. As such, the present invention as now claimed is distinguishable and thereby allowable over the rejections raised in the Office Action. The withdrawal of the outstanding prior art rejections is in order, and is respectfully solicited.

#### Double Patenting Rejection

Claims 1-4 were rejected under the judicially-created doctrine of obviousness-type double patenting in view of claims 1 and 2 of US Patent No. 6,662,964 in view of Jung and Castanet.

The invention as now recited includes the upper-lower fold collapsing feature which is patentably distinct from the recitation of “the resilient threaded neck portion and the taper portion are collapsed inside-out with formerly inside surfaces of the neck portion and the taper portion facing outwardly thereby disposing the cap opening below the neck portion and the taper portion” in claims 1-2 of US Patent No. 6,662,964, or its combination with Jung and Castanet. As such, The withdrawal of the outstanding double patenting rejection is in order, and is respectfully solicited.

However, a terminal disclaimer is being concurrently filed herewith for US Patent No. 6,669,040.

#### Conclusion

In view of all the above, clear and distinct differences as discussed exist between the present invention as now claimed and the prior art reference upon which the rejections in the Office Action rely, Applicant respectfully contends that the prior art references cannot anticipate the present invention or render the present invention obvious. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance

of the above-captioned application, the Examiner is invited to contact the Applicant's undersigned representative at the address and telephone number indicated below.

Respectfully submitted,

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